

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

X.J., a minor, by his parent and  
natural guardian, YESINIA NEGRON  
4226 North Fairhill Street  
Philadelphia, PA 19040

v.

POLICE OFFICER KEEN  
BADGE NUMBER 2490  
Individually and as a police officer  
for the City of Philadelphia  
c/o City of Philadelphia Law Department  
Claims Unit, One Parkway Building  
1515 Arch Street, 14th Floor  
Philadelphia, PA 19102-1595

and

POLICE OFFICER RYSHEK  
BADGE NUMBER 6440  
Individually and as a police officer  
for the City of Philadelphia  
c/o City of Philadelphia Law Department  
Claims Unit, One Parkway Building  
1515 Arch Street, 14th Floor  
Philadelphia, PA 19102-1595

CIVIL ACTION NO.

JURY TRIAL DEMANDED

**COMPLAINT**

**Jurisdiction**

1. This action is brought pursuant to 42 U.S.C. § 1983. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343 (1), (3), (4) and the aforementioned statutory provision. Plaintiff further invokes the supplemental jurisdiction of this Court pursuant to 28 U.S.C. § 1367(a) to hear and adjudicate state law claims.

### **Parties**

2. Plaintiff, X.J., is a minor, age 11 on the date of this incident, residing with his parent and natural guardian Yesinia Negron at the address aforementioned and at all times relevant to this action was present in Philadelphia, Pennsylvania.

3. Defendant, Police Officer Keen, Badge Number 2490, is a police officer for the Philadelphia Police Department who at all relevant times was acting under color of state law. The Defendant officer is being sued in his/her individual capacity.

4. Defendant, Police Officer Ryshek, Badge Number 6440, is a police officer for the Philadelphia Police Department who at all relevant times was acting under color of state law. The Defendant officer is being sued in his/her individual capacity.

5. At all relevant times, all Defendants were acting in concert and conspiracy and their actions deprived Plaintiff, X.J., a minor, of his constitutional and statutory rights as hereinafter described.

### **Factual Allegations**

6. On April 12, 2020 at approximately 4:57 p.m. Plaintiff X.J. who was 11 years old at the time was bringing his bicycle up the steps at the home of his aunt.

7. At the above time and place he was approached by Defendant Officers Keen and Ryshek.

8. Officer Ryshek and/or Officer Keen yelled out to Plaintiff "Hey Buddy." Plaintiff stopped and turned to face the officers.

9. Plaintiff was carrying a backpack.

10. Without asking for consent, and without probable cause that Plaintiff was carrying any contraband, Officer Keen and/or Officer Ryshek took Plaintiff's backpack from him and searched it.

11. After conducting the illegal search of Plaintiff's bag, Defendant Officer Keen and/or Ryshek then, without reasonable suspicion or probable cause, conducted an illegal pat down and frisk of Plaintiff's body.

12. At no time relevant hereto did either Officer Keen or Ryshek have any reason to believe that Plaintiff had committed or was in the process of committing any crime or engaging in any illegal activity.

13. Plaintiff was detained by the officers, without reasonable suspicion much less probable cause for approximately 10 minutes.

14. At no time relevant hereto did either of the officers have reasonable suspicion or probable cause that Plaintiff had engaged or was engaging in any criminal or illegal activity.

**COUNT I**

**X.J. v. P.O. KEEN and P.O. RYSHEK**

15. Plaintiff incorporates by reference paragraphs 1 through 14 of the instant Complaint.

16. The actions of the Defendants as aforesaid denied Plaintiff rights to be free from an unreasonable search and seizure in violation of rights guaranteed to him by the Fourth Amendment to the United States Constitution and 42 U.S.C. § 1983.

**COUNT II**

**X.J. v. P.O. KEEN and P.O. RYSHEK**

17. Plaintiff incorporates by reference paragraphs 1 through 16 of the instant Complaint.

18. The actions of the Defendants as aforesaid constitute a battery and a false imprisonment under Pennsylvania State Law.

WHEREFORE, Plaintiff requests the following relief:

- a. Compensatory damages;
- b. Punitive damages;
- c. Reasonable attorney's fees and costs;
- d. Such other and further relief as appears reasonable and just; and
- e. A jury trial as to each Defendant and as to each count.

**PATRICK G. GECKLE, LLC**

By: 

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